

9-302. Order setting conditions of release and appearance bond.

*[For use with District Court Rule 5-401 NMRA,
Magistrate Court Rule 6-401 NMRA,
Metropolitan Court Rule 7-401 NMRA and
Municipal Court Rule 8-801 NMRA]*

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v.

No. _____

_____, Defendant

**ORDER SETTING CONDITIONS OF RELEASE
AND
APPEARANCE BOND**

(This form is to be used if the defendant is to be released on personal recognizance or an unsecured appearance bond.)

(check applicable alternatives)

[] **Release on personal recognizance.** It is ordered that the defendant be released without bail on the defendant's promise to appear and subject to the conditions checked below.

[] **Release on unsecured appearance bond.** It is ordered that the defendant be released on bail in the amount of _____ dollars (\$_____) provided that the

defendant executes an unsecured appearance bond and agrees to the conditions checked or set forth below.

[] **Third-party custodian.** It is ordered that the defendant report to *(name)* _____ *(set forth designated entity or pretrial services agency agreeing to supervise the defendant)* _____ *(set forth telephone number of entity)*.

APPEARANCE BOND

I _____, defendant in the above-entitled matter, do hereby bind myself to the following conditions of release:

I agree to appear before the above court on _____, at _____ [a.m.] [p.m.] in courtroom _____ and at such other places as I may be required to appear, in accordance with any and all orders and directions relating to my appearance in the above-entitled matter as may be given or issued by the above court or any magistrate, district or appellate court to which above entitled case may be filed, removed or transferred.

(check and complete if applicable)

[] I further agree to pay the [State of New Mexico] [City of _____] the full amount of the bail set forth above in the event that I fail to appear as required.

Agreement to Comply with All Additional Conditions of Release

(complete and check only applicable conditions

prior to signature of this bond by the defendant)

I further agree that:

- ☐ I will remain in the custody of the above named third-party custodian who has agreed to report any violation of a release condition to the court;
- ☐ I understand that my release is subject to my maintaining my employment. If my employment is terminated I agree to immediately report such termination to the court;
- ☐ I will actively seek employment;
- ☐ I will attend classes at _____;
- ☐ I will not associate with the following persons _____
_____;
- ☐ I will not leave the [city of _____] [this county] [the county of _____] [this state] [the state of _____] without further permission of the court;
- ☐ I will reside at _____ unless otherwise agreed to by the court;
- ☐ I will avoid all contact with _____ and _____
_____ (*set forth the names of the alleged crime victim or any potential witness to the crime*);
- ☐ I will not leave my residence between the hours of ____ [p.m.] and ____ [a.m.] without prior permission of the court;
- ☐ I will not possess a firearm, destructive device or other dangerous weapon without prior permission of the court;
- ☐ I will:

- ☐ refrain from excessive consumption of beer, wine and other alcoholic beverages;
- ☐ not drink any alcoholic beverages;
- ☐ I will not take or use any narcotic drugs without a prescription by a licensed medical practitioner;
- ☐ I will submit to any urine analysis or alcohol test upon the request of _____
_____;
- ☐ I agree to the following [medical] [psychological or psychiatric] treatment for _____
_____ (*set forth treatment such as treatment for drug or alcohol dependency*);
- ☐ I will remain at _____ (*set forth name of institution*) for the following treatment _____ for a period of _____;
- ☐ I agree that if I am released for the purpose of [employment] [schooling], I will return to _____ (*set forth place of detention*) each day immediately after [work] [school] [classes].

I understand the above conditions of release and agree to them.

I understand that the court may have me arrested at any time, without notice, to review and reconsider these conditions.

I understand, that if I fail to appear as required, I may be prosecuted and sent to [jail] [the penitentiary] for the separate offense of failure to appear. I agree to comply fully with each of the

conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

I understand that my conditions of release may be revoked and I may be charged with a separate criminal offense if I intimidate or threaten a witness, the victim or an informant or if I otherwise obstruct justice.

I further understand that my conditions of release will be revoked if I violate a federal, state or local criminal law.

Defendant

Address

City and State

Telephone Number

The above conditions of release are hereby approved. The defendant shall be released from custody upon the execution of this agreement and the posting of the required bond.

(Judge) (Designee)

Date

[As withdrawn and approved, effective September 1, 1990; as amended by Supreme Court Order

07-8300-29, effective December 10, 2007.]